



FREDERICK COUNTY PLANNING COMMISSION

February 9, 2011

TITLE: **Make Shift Development**

FILE NUMBER: **SP 98-26 (AP# 9399, APFO # 9402 & FRO #9401)**

REQUEST: **Site Plan**

This application is requesting site plan approval for the construction of a 19,000 square foot building, comprised of 14,300 square feet of retail space, 3,500 square feet of interior storage and 1,200 square feet of office space with 87 associated parking spaces.

PROJECT INFORMATION:

LOCATION: Located east of the intersection of Mt. Zion Road and Jefferson Pike MD Route 180.
ZONE: Zoned: GC (General Commercial)
REGION: Frederick
WATER/SEWER: W-NPS, S-NPS
COMP. PLAN/LAND USE: General Commercial

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Cricket Associates, Inc.
OWNER: Maurice Gladhill
ENGINEER: J.F. Brown III & Associates Inc.
ARCHITECT: Not Listed
ATTORNEY: Mr. Seymour Stern, Esq.

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1-Site Plan
Exhibit #2- Developer's Option Letter, dated 1/25/2011

STAFF REPORT

BACKGROUND

The Applicant is requesting site plan approval for the construction of a 19,000 square foot building, comprised of 14,300 square feet of retail space, 3,500 square feet of interior storage and 1,200 square feet of office space with 87 associated parking spaces. The Applicant is also proposing 15,000 square feet of outdoor display area located to the rear of the proposed structure. The existing house and garage located on the site will be removed. The entire Lot 3-A is 4.65-acres.

Plat History:

On August 16, 2007 a plat was recorded which added 1.52 acres from Tract 1 (a portion of the adjacent Deere Meadows property) to the existing 4.65-acre Lot 3-A. That plat indicates that access for Lot 3-A is to be taken from the existing Lot 3-B which is to the north. The plat also indicates, “denied access” along the entire Mt. Zion Road frontage as well as along the private drive serving Tract 1.

The Applicant is proposing to revise the existing 8/16/2007 plat in order to allow access to Lot 3-A via the existing drive serving Tract 1. The Applicant is also proposing a 20’ wide “future connection” to Lot 3-B if/when Lot 3-B is redeveloped with a complimentary retail use. If such a use would ever exist, that developer would have the responsibility to make the physical connection to the driveway proposed on the Gladhill site. This future connection is shown on the graphic below.



Staff has recommended that a plat revision be recorded and that access and maintenance agreements/easements for the future road connection between Lots 3-A and 3-B should also be recorded, and that all applicable liber and folio numbers be listed on the final site plan prior to signature approval.

ANALYSIS

Land Use: The proposed use for the 19,000 square foot building is being reviewed as “Farm Equipment Sales” under Commercial Uses-Retail, per §1-19-5.310 in the Zoning Ordinance and is a principal permitted use in the GC Zoning District subject to site development plan approval. The proposed 19,000 square foot building is broken down into three areas: 14,300 square feet will be dedicated to retail sales, 3,500 square feet will be used for storage related to the business, and 1,200 square feet will be business related office space. The site will also contain a 15,000 square foot outdoor display area.

In accordance with § 1-19-7.510.E *Storage and operations*, storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. This section states that the most appropriate screening for the use shall be determined at site development plan review. The proposed display area, surrounded by a decorative fence and landscaping and is located to the rear of the proposed building. The outdoor display area has been sited in order to not be visible from the public way or adjoining properties.

Zoning: The site is located within the General Commercial (GC) Zoning District, shown in red. The zoning district across Mt. Zion Road is also General Commercial (GC).

Dimensional Requirements/Bulk Standards: Section 1-19-6.1 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements are 25-foot front yard and 20-foot rear yard, with 8 foot side yards. The maximum height allowed is 60 feet; the proposed use will be 21 feet in height, the front architectural façade is proposed to be 32 feet tall. The minimum lot size for the zoning district is 12,000 square feet. The proposed plan meets the required Bulk/Dimensional requirements. The decal lane for this access along Mt. Zion Road is adequate; although a continuous right turn lane will be provided along the site frontage in order to most safely accommodate the continuous commercial uses along Mt. Zion Road.

Access/Circulation: The access will be via a two-way, full movement, 30-foot wide access driveway located off an existing common drive that accesses the Gladhill Tractor Mart. The proposed entrance to Lot 3-A is approximately 200 feet east of the intersection with Mt. Zion Road.

Frederick County Comprehensive Plan: Frederick Region

The Frederick County Comprehensive Plan indicates that the land use for the Make Shift Estates is General Commercial. The use proposed for Make Shift Estates complies with the Land Use designation within the County Comprehensive Plan.

Public Transit: This site is not served by Transit.

Parking: Proposed parking pursuant to §1-19-6.22 of the Zoning Ordinance.

The proposed use is comprised of 14,300 square feet of retail area, 3,500 square feet of storage, and 1,200 square feet of office space, and will have 12 employees on site.

The retail portion requires 1 space for every 250 square feet of retail area, therefore 57 parking spaces are required. The storage area requires 1 space for every 1,000 square feet of storage area, which requires 4 spaces. The office portion requires 1 space for every 300 square feet of office area, which requires 4 spaces. Employees are required to have 1.5 spaces for every employee therefore 18 spaces are required. This site has provided 4 ADA compliant parking spaces.

Total parking spaces required are 83; the applicant is proposing 87, including 4 ADA accessible spaces.

The Applicant is seeking a parking stall modification for 2 15' x 50' parking stalls in order to allow parking for larger vehicles with trailers.

Loading Area: The required size and number of loading spaces are provided in §1-19-6.21 of the Zoning Ordinance. Under §1-19-6.21, the Applicant has to provide one (1) large loading space.

The Applicant has shown 1-large (12'x50') loading spaces to the side of the principal structure on the site.

Trash Dumpster and Recycling: The Applicant has proposed a dumpster location in the rear of the property. The dumpster pad will be a dual-purpose pad, which will also contain on-site recycling, as indicated on Site Plan Note #13.

Utilities: The site is to be served by private septic and private well water and currently holds a W-NPS and S-NPS Classification.

Lighting: The site will be lit by nine (9) building mounted and eight (8) pole mounted lights located approximately 14 feet above the ground directed into the site. Lighting shall not exceed 0.5 ft candles at the periphery of the site. A photometric plan has been provided as sheet 5 of 5.

ENVIRONMENTAL ANALYSIS:

Open/Green Space and Floodplain Issues: Other than soil-base requirements for trees and setback requirements, there are no special open or green space requirements in the General Commercial zone.

Landscaping: The Applicant proposes landscape improvements with this Site Plan application in order to meet landscape requirements of the Zoning Ordinance that became effective January 29, 2010 by addressing the following subcategories:

- a) Street tree planting requirements;
- b) 20% canopy analysis of parking lot area;

- c) Not more than a 10-parking-bay-average by creating additional parking islands;
 - d) Demonstration of usage of native species;
 - e) Buffering and screening along common property lines; and
 - f) Buffering and screening of parking lots.
- a) *Street tree planting requirements:* The Applicant has provided two clusters of sixteen (16) evergreen trees along Mt. Zion Road. The Applicant is also claiming credit for fifteen (15) existing evergreen trees and forest areas along Mt. Zion Road and the secondary access road. The Applicant is also proposing nine (9) flowering dogwood trees along the secondary access leading into the site. Together, these trees meet the street tree planting requirements along Mt. Zion Road.
- b) *20% canopy analysis of parking lot area:* The Applicant has provided a total canopy-coverage of 20%, thus meeting the minimum requirement of 20% for the lease area.
- c) *Not more than a 10-parking-bay-average by creating additional parking islands:* The Applicant has created an average bay run of 8, less than the 10 maximum allowed. Also, the Applicant has not exceeded the maximum run allowed of 15.
- d) *Demonstration of usage of native species:* The Applicant has provided 100% native species use for trees.
- e) *Buffering and screening along common property lines:* The Applicant is providing a combination of over-story deciduous trees and scattered shrubs to provide a filtering effect with the adjacent property to the west. The Applicant is also claiming credit for an existing double row of 20 foot tall Leyland Cypress that are located along the northern property line. The Staff considers this amount of landscaping to be sufficient and in keeping with the recently proposed Landscape Guidelines when providing landscaping to adjoining properties with the same zoning.
- f) *Buffering and screening of Parking Lots:* The Applicant has provided a combination of native evergreen over-story and under-story trees, and large native shrubs to help screen the parking lot.

Containment of Hazardous Substances: The purpose of wellhead protection is to protect groundwater resources of community public water supplies to reduce the potential for ground and surface water contamination. This site is not located within a wellhead protection area (WHPA). Outside of WHPA's the location and containment of hazardous substance for these uses must meet the requirements of § [1-6-50](#) and §1-19-7.600 (D). The Applicant has complied with the restrictions for storing hazardous substances and flammable liquids and notes such in the Site Plan Notes.

Storm-water Management (SWM) Design: This project was tested with regard to the requirements of the Maryland Stormwater Management Act of 2007 (SWM 2007), which became effective May 4, 2010. The Applicant is proposing a series of grass swales, which will treat the storm-water prior reaching the existing SWM pond on the adjacent parcel. A stormwater management concept plan and a stormwater management development plan must be approved prior to final approvals of the site plan.

Forest Resource Ordinance (FRO): Due to lack of suitable mitigation areas on site, FRO requirements are being addressed for this project through fee-in-lieu at the prevailing rate and is noted (Site Plan Note #15) on the plan. The applicant has agreed to the requirement of 0.47 acres to be met by payment of fee-in-lieu (20,473 SF x .545/SF=\$11,158.00) Prior to issuance of grading and/or building permits (whichever is applied for first), all FRO mitigation must be provided and approved.

Signage: The Applicant is proposing a building mounted sign that shall not exceed 127 square feet, which is noted in Site Plan Note #16.

All of the proposed signage complies with §1-19-6.31 of the Zoning Ordinance.

Adequate Public Facilities Ordinance (APFO): This project was reviewed for potential impacts on roads, water and sewer, and schools.

Vehicle Trips: This lot will be capped at 67 AM and 82 PM Weekday Peak Hour Trips.

Sewer and Water: *DUSWM* has approved the site plan.

Schools: This project is not subject to a schools adequacy test as this site plan proposes a non-residential use.

Roads: This project was reviewed in accordance with the APFO - Roads in effect prior to July 2009, since initial site plan application was made in April of 2009.

Escrow Contribution Summary:

The County and the Make Shift Development have identified the need to contribute toward a recently created escrow account to fund construction of a ramp which would be impacted by the proposed development to achieve public facility adequacy has been identified as part of the traffic Impact analysis. Consistent with §1-20-12 and §1-20-13, Make Shift Development has agreed to make a pro rata contribution to the intersection/improvement identified as follows:

1. Provide a proportionate share (16%) contribution (\$25,360) into an escrow account for the construction of a 350 foot right deceleration lane along the US 15/US 340 westbound off ramp (Total Cost = \$163,000).

This improvement will allow US 340 ramp motorists desiring to turn right and go north along Mt. Zion Road to bypass the projected queue on the ramp that may result from left-turning or through motorists at the stop sign for Mt. Zion Road.

The Developer's contribution to the road escrow account as set forth in the Developer's Option Letter shall be made prior to issuance of building permits for the property, and such funds shall be appropriately deposited. The applicant has agreed to permit the County to apply the funds for the improvement at Mt. Zion/US 340 Ramp towards safety improvements at the MD 180/Mt. Zion Road intersection, if it is deemed necessary. SHA has committed design funding for a roundabout at the MD 180 intersection, but no construction funding at this time. The escrow contributions provided by this development could assist in providing seed money for this needed safety enhancement.

OTHER AGENCY COMMENTS

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Approved
Development Review Planning:	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
State Highway Administration (SHA):	Approved
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	Approved
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and the APFO is valid for a period of three (3) years from the date of Planning Commission's approval. Staff has no objection to conditional approval of the site plan.

RECOMMENDATION

Should the Planning Commission conditionally approve this Site Plan SP # 98-26 (AP# 9399, APFO 9402 & FRO 9401) for the proposed Make Shift Development, the motion for approval should include the following items:

1. Approval of a 19,000 square foot Farm Equipment and Sales building, consisting of one (1) building on a 4.65 acres site, and a 15,000 square foot outdoor display area. The Applicant is proposing a total of 87 paved parking spaces throughout the site.
2. Site plan approval for a period of three years from today's date.
3. APFO approval for a period no longer than three (3) years from today's date. The Letter of Understanding will be presented to the FCPC as a consent agenda item when it is finalized.
4. Parking stall modification to allow two (2) 15' x 50' parking spaces in order to accommodate large vehicles with trailers.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. The Forest plan must be approved prior to site plan approval. The Applicant shall provide FRO mitigation prior to the issuance of a grading permit or building permit, whichever comes first.
3. Plat for Lots 3-A and 3-B must be revised to show access from the existing driveway which serves Tract 1 Deere Meadows.
4. Prior to final site plan approval the access and maintenance agreement for the 20' wide future connection between Lots 3-A and 3-B must be recorded and the Liber/Folio numbers listed on the final site.
5. A stormwater management concept plan and a stormwater management development plan must be approved prior to final approvals of the site plan.

Exhibit #1 Overall Site Plan: Make Shift Development



Make Shift Development: Gladhill

February 9, 2011

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January 20, 2011

Mr. Ron Burns
Traffic Division
30 North Market Street
Frederick, MD 21701

RE: ADEQUATE PUBLIC FACILITIES DEVELOPER'S OPTION LETTER
"MAKE SHIFT DEVELOPMENT"

Dear Mr. Burns:

Please incorporate the following Developer's Option Letter into a Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and the Make Shift Development or assigns, which will set forth the conditions and terms under which the Commission deems the minimum necessary improvements dealing with road, water and sewer that must be in place for the property described below to be developed in compliance with Section 1-20-8 of the Adequate Public Facilities Ordinance ("APFO") as adopted on October 15, 1991, as amended May 16, 1995, March 17, 1998, March 2001 and January 2008, and the approved Site Plan for this property. The Make Shift Development ("Developer") hereby agrees and understands that unless the below described improvements are in place in accordance with the Letter, development will not be permitted to proceed until they are in place or a revised Letter is approved by the Commission.

This Letter concerns itself with the Make Shift Development 4.651 acre parcel of land, which is zoned General Commercial (GC) on the north side of Mount Zion Road west of US 340. The existing empty lot is planned to be developed in accordance with prior Board of Zoning Appeals decisions and approvals.

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Mr. Ron Burns
January 20, 2011
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This APFO approval will be effective for a period of three (3) years from the date of Commission approval.

SCHOOLS

Not subject to APFO approval because of commercial use of the site.

PUBLIC WATER AND SEWER IMPROVEMENTS

Water and sewer service to this property is not required for the proposed use.

ROAD IMPROVEMENTS

The County and the Make Shift Development have identified the need to create an escrow account to help a ramp which may be impacted by the Developer proposed development achieve public facility adequacy. The Make Shift Development has agreed to make a pro rata contribution to the intersection/improvement identified as follows:


1. Provide a proportionate share contribution into an existing escrow account for the construction of a 350 foot right deceleration lane along the US 15/US 340 westbound off ramp.

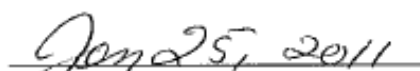
This improvement will allow motorists desiring to go north along Mount Zion Road to bypass the projected 95th queue on the ramp that may result from left-turning or through-motorists at the stop sign for Mount Zion Road.

The Developer's contribution to the road escrow account as set forth in this Letter shall be made prior to the issuance of Building Permit for the Property, and such funds shall be appropriately deposited. The County may apply these funds toward safety improvements at the MD 180/Mount Zion Road intersection if it is deemed necessary.

Sincerely,

"Make Shift Development"
Cricket Associates, LLC

By: 
Maurice Gladhill


Date

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